

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

MANUEL VEGA REYES : Case No.: _____
:
VERSUS :
:
ALPINE TRANSPORTATION INSURANCE : Judge: _____
RISK RETENTION GROUP, INC., CAMAS :
CARRIER, LLC, POSITIVE TRANSPORT :
SOLUTIONS, LLC, IRENILDO MARQUEZ, :
and UNITED SPECIALTY INSURANCE :
COMPANY : Magistrate: _____

PETITION FOR REMOVAL TO FEDERAL COURT

NOW INTO COURT, through undersigned counsel, come Petitioners in Removal, ALPINE TRANSPORTATION INSURANCE RISK RETENTION GROUP, INC., CAMAS CARRIER, LLC, POSITIVE TRANSPORT SOLUTIONS, LLC, IRENILDO MARQUEZ, and UNITED SPECIALTY INSURANCE COMPANY (hereinafter sometimes referred to as "Petitioners") who, pursuant to 28 U.S.C. § 1332 §1441, hereby respectfully file this petition for removal and contend that removal is proper for the following reasons:

I. PROCEDURAL HISTORY

1.

Petitioners were made defendants in the action entitled MANUEL VEGA REYES versus ALPINE TRANSPORTATION INSURANCE RISK RETENTION GROUP, INC., CAMAS CARRIER, LLC, POSITIVE TRANSPORT SOLUTIONS, LLC, IRENILDO MARQUEZ, and UNITED SPECIALTY INSURANCE COMPANY, designated Suit No. 91796, filed in the 16th Judicial District Court of Louisiana in St. Martin Parish.

2.

On or about July 16, 2021, Defendant-driver IRENILDO MARQUEZ was operating a vehicle under the authority of CAMAS CARRIER, LLC at the time of the accident in question. The action was commenced on June 29, 2022, when MANUEL VEGA REYES (hereinafter sometimes referred to as "Plaintiff") filed a *Petition for Damages* in the 16th Judicial District Court, Parish of St. Martin, State of Louisiana. The Petition does not allege an amount in controversy. (See *Exhibit A*)

3.

Plaintiff then filed a *Request for Notice* (See *Exhibit B*) and *Citation via Long-Arm Statute* (See *Exhibit C*) to Alpine Transportation Insurance Risk Retention Group, Inc. on July 01, 2022.

4.

Petitioners requested a 30-day extension, which was granted and signed by opposing counsel on August 22, 2022. (See *Exhibit D*) Petitioners filed their *Answer to Petition for Damages* (the "Answer") (See *Exhibit E*), *Request for Ten Days Notice of Setting and for Notice of Judgment* (See *Exhibit F*), *Demand for Jury Trial* (See *Exhibit G*), and *Order* for trial by jury (See *Exhibit H*) in the Sixteenth Judicial District Court on September 21, 2022.

5.

On September 21, 2022, Petitioners propounded upon Plaintiff, through his attorneys of record, Bart Bernard and Carl Rachal, *Defendants' First Set of Requests for Admissions of Fact, Propounded to Plaintiff*. (See *Exhibit I*)

6.

On September 30, 2022, Plaintiff, through his attorneys of record, Bart Bernard and Carl Rachal, responded to *Defendants' First Set of Requests for Admissions of Fact Propounded to Plaintiff in Plaintiff's Responses to First Set of Requests for Admissions of Fact*. (See *Exhibit J*).

II. GROUNDS FOR REMOVAL

7.

Based on the foregoing, this Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and the matter is removed pursuant to U.S.C. § 1441 and § 1446. The amount in controversy has been DENIED to being **less than \$75,001.00**. It is, therefore, deemed to be **above \$75,000.00**, as evidenced in *Plaintiff's Responses to First Set of Requests for Admissions of Fact*, and satisfies the amount in controversy requirement contained within 28 U.S.C. § 1332. (See *Exhibit J*, Response to Request No. 22). Removal of this matter is timely because this *Petition for Removal to Federal Court* is being filed within 30 days from the date that Petitioners received notice from Plaintiff that the amount in controversy exceeds \$75,000.00 and is within (1) year of the commencement of this action. 28 U.S.C. § 1446(b)(3).

II. CITIZENSHIP OF PARTIES

8.

Furthermore, this Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1332 on the basis that the alleged amount in controversy exceeds \$75,000.00, and

Plaintiff-Manuel Vega Reyes-is a citizen of the foreign state of Mexico while all Petitioners in Removal are citizens of states other than Mexico.

a. **Plaintiff is a Citizen of Mexico.**

9.

Plaintiff, Manuel Vega Reyes, as set forth in his Petition, is a domiciliary of the foreign state of Mexico, living in Guanajuato, Mexico. He is therefore a citizen of Mexico. (See Exhibit A, pg. 1)

b. **IRenildo Marquez is not a Citizen of Mexico.**

10.

Defendant, IRenildo Marquez was a domiciliary of the State of Florida at the time of the accident, living in Miami, Florida, at 15601 137th Avenue, Apt. 20, Miami, Florida 33177. He is therefore a citizen of Florida. (See *Exhibit A*; pg. 2)

c. **Camas Carrier, LLC is not a Citizen of Mexico.**

11.

Defendant, Camas Carrier, LLC is a Texas company with its principal place of business in Weatherford, Texas and can be served through its registered agent, Francisco Camas, at 228 Rentz PL Circle, Weatherford, TX 76086, USA. It is therefore a citizen of Texas. (See *Exhibit K*).

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d. **Alpine Transportation Insurance Risk Retention Group is not a Citizen of Mexico.**

12.

Defendant, Alpine Transportation Insurance Risk Retention Group, LLC is a Hawaii corporation with its principal place of business in Honolulu, Hawaii and can be served through its registered agent, Scot Sterenberg, at 745 Fort St, Suite 1100, Honolulu, Hawaii 96813, United States. It is therefore a citizen of Hawaii. (See *Exhibit L*).

e. **Positive Transport Solutions, LLC is not a Citizen of Mexico.**

13.

Defendant, Positive Transport Solutions, LLC, is a Texas company with its principal place of business in Dallas, Texas and can be served through its registered agent, Farah A. Ramzy, Sr., at 9600 Forest Ln, #2102, Dallas, TX 75243, USA. It is therefore a citizen of Texas. (See *Exhibit M*).

f. **United Specialty Insurance Company is not a Citizen of Mexico.**

14.

Defendant, United Specialty Insurance Company, is a registered Delaware company in Wilmington, Delaware and can be served through its registered agent, National Registered Agents, Inc., at 1209 Orange Street, Wilmington, Delaware 19801, USA. It has administrative offices in Bedford, Texas. It is therefore a citizen of Delaware and Texas. (See *Exhibit N*).

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IV. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00

15.

The amount in controversy requirement is satisfied in this matter as evidenced by Plaintiff's denial that damages are **less than \$75,001.00**, as evidenced in *Plaintiff's Responses to First Set of Requests for Admissions of Fact*. (See *Exhibit J*; Response to Request No. 22).

V. VENUE

16.

Without waiving Defendants' right to challenge, among other things, personal jurisdiction and/or venue by way of motion or otherwise, lies in the United States District Court for the Western District of Louisiana, pursuant to 28 U.S.C. §§ 1441(a), 1446(a) and 124(c)(6). This action originally brought in the 16th Judicial District Court, Parish of St. Martin, Louisiana.

VI. SERVICE OF PETITION FOR REMOVAL

17.

Notice of Removal to adverse party has been filed in State Court.

18.

To the knowledge of the Petitioners in Removal, no additional process, pleadings, or orders have been filed in this action. There are no other defendants who must give approval for removal and no discovery has been obtained besides *Plaintiff's Responses to First Set of Requests for Admissions of Fact*. (See *Exhibit J*)

19.

On the same date as the filing of this *Petition for Removal to Federal Court*, written Notice of Removal was duly mailed to Plaintiff's counsel of record, Bart Bernard and Carl Rachal of the Bart Bernard Law Firm, located at 1031 Camellia Blvd Lafayette, LA 70508, and filed with the 16th Judicial District Court, Parish of St. Martin, State of Louisiana for filing in Suit No. 91796.

20.

WHEREFORE, Petitioners in Removal, ALPINE TRANSPORTATION INSURANCE RISK RETENTION GROUP, INC., CAMAS CARRIER, LLC, POSITIVE TRANSPORT SOLUTIONS, LLC, IRENILDO MARQUEZ, and UNITED SPECIALTY INSURANCE COMPANY, pray that this action be removed from the Sixteenth Judicial District Court, Parish of St. Martin, State of Louisiana to the United States District Court for the Western District of Louisiana, Lafayette Division, pursuant to 28 U.S.C. § 1441, et seq., because the United States District Court for the Western District of Louisiana is the federal judicial district that embraces the Sixteenth Judicial District Court of the State of Louisiana wherein this action was originally filed.

FURTHER PRAY that Petitioners in Removal be granted a trial by jury as to all issues triable by jury.

[Signature Page Next Page]

Respectfully submitted,
PERKINS & ASSOCIATES, LLC

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic services are being served with a copy of the Court's CM/ECF system per Local Rule CV-5(d)(3) on this **13th day of October, 2022**. Any other counsel of record will be served by other options which have been checked below:

- By certified mail
- By regular mail
- By overnight mail
- By hand delivery
- By Email

/s/ Mark A. Perkins
Mark A. Perkins, #18529